

MEMORANDUM

DATE: October 8, 2008

TO: Water Right File 63-10034

FROM: Shelley W. Keen *SWK*

RE: Industrial water use

Permit 63-10034 authorized the diversion of 9.8 cfs for irrigation and for industrial use in a potato processing plant. The reviewer concluded that the industrial use at the plant, now an ethanol plant, is completely covered by prior water rights. He recommended licensing Right 63-10034 for irrigation only.

The right holder is concerned that the land application of wastewater from the industrial plant is not described on a water right. IDWR's view is that the disposal of wastewater by land application or other means is part of an industrial water right. Therefore, the opportunity to land apply the wastewater is also covered by the prior industrial water rights. The place of use for the land application of wastewater has to be described on an industrial right only if the land where the water is applied is not covered by a separate irrigation right. In this case, Right 63-10034 would be the separate irrigation right.

Despite the fact that describing the land application of the wastewater from the plant on a water right is not required, it can be done in this case to reassure the right holder. To accomplish this, wastewater should be added to the right as an alternative source. Because the wastewater originates from the ground water diverted at the plant, adding it will not be considered a change in source, nor will it require an amendment. During the irrigation season, the use of wastewater or ground water will be called irrigation. The industrial portion of the right will be limited to the non-irrigation season, and it will be defined in conditions as the land application of wastewater generated in the plant, with no diversion of ground water authorized under this right during the non-irrigation season.